

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Zakariya Abdi karim,

Plaintiff,

Case No. 24-CV-2012 (KMM/ECW)

v.

ORDER

Barry Fitzgibbons, Sheriff; Tim Brennan, Chief of Police; and Michelle Marie Eldien, Ottertail County Attorney, sued in their official and individual capacities,

Defendants.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright, dated November 5, 2024. No objections have been filed to that R&R in the time period permitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b)) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of

the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise, and the R&R is accepted in full.

Therefore, **IT IS HEREBY ORDERED** that:

1. This matter is **DISMISSED WITHOUT PREJUDICE** as follows:
 - a. The claims against defendants Tim Brennan and Michelle Marie Eldien are regarded as **VOLUNTARILY DISMISSED WITHOUT PREJUDICE**.
 - b. The claims against defendant Barry Fitzgibbons are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(a).
2. Plaintiff Zakariya Abdi karim's motion to waive the initial partial filing fee [ECF 12] is **GRANTED**.
3. Mr. Abdi karim's motion to amend [ECF 9] is **DENIED**.
4. Mr. Abdi karim's applications to proceed *in forma pauperis* [ECF 2, ECF 10] are **DENIED AS MOOT**.
5. Mr. Abdi karim is directed to pay the unpaid balance (\$350.00) of the statutory filing fee for this action in the manner prescribed by 28 U.S.C. § 1915(b)(2), and the Clerk of Court is directed to provide notice of this requirement to the authorities at the institution where Mr. Abdi karim is confined.

Date: **December 18, 2024**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge